

**2017 Semester 1 Exam
Question/Answer Booklet**

**Year 12
POLITICS
AND LAW ATAR**

Name:

Please place your student identification label in this box

Student Number: In figures

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In words

Time allowed for this paper

Reading time before commencing work: ten minutes
Working time for paper: three hours

Materials required/recommended for this paper

To be provided by the supervisor

This Question/Answer Booklet

To be provided by the candidate

Standard items: pens, pencils, eraser, correction fluid, ruler, highlighters

Special items: nil

Important note to candidates

No other items may be taken into the examination room. It is **your** responsibility to ensure that you do not have any unauthorised notes or other items of a non-personal nature in the examination room. If you have any unauthorised material with you, hand it to the supervisor **before** reading any further.

Section	Number of questions available	Number of questions to be answered	Suggested working time (minutes)	Marks available	Percentage of exam
Section One: Short response	4	3	45	30	30
Section Two: Source analysis	2	1	35	20	20
Section Three: Essay	4	2	100	50	50
					100

Instructions to candidates

1. Answer the questions in the space provided.
2. You must be careful to confine your responses to the specific questions asked and to follow any instructions that are specific to a particular question.
3. Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.
 - Planning: If you use the spare pages for planning, indicate this clearly at the top of the page.
 - Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

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See next page

This section has **four (4)** questions. You must answer **three (3)** questions.

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

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Suggested working time for this section is 45 minutes.

Question 1 **(10 marks)**

- (a) What does section 24 of the Australian Constitution provide for? (2 marks)

- (b) Outline **three (3)** exclusive powers found in the Australian Constitution. (3 marks)

- (c) 'The legislative and executive powers of the Governor General make the Governor General more powerful than the Prime Minister'. Assess the validity of this claim with reference to **three (3)** specific express powers. (5 marks)

Question 2

(10 marks)

(a) Identify and define the 'Leader of the Opposition' in the Commonwealth Parliament.

(2 marks)

(b) Identify and describe **three** (3) parliamentary processes or procedures that the Opposition uses in the Commonwealth Parliament.

(3 marks)

Question 3

(10 marks)

(a) What does Section 72 of the Australian Constitution provide for?

(2 marks)

(b) Identify and describe three (3) functions of the High Court of Australia.

(3 marks)

(c) With reference to **one (1)** or more cases, discuss the significance of the High Court on Common Law in Australia. (5 marks)

Question 4

(10 marks)

(a) What is 'Co-operative Federalism'?

(2 marks)

(b) Distinguish between 'Vertical Fiscal Imbalance' and 'Horizontal Fiscal Equalisation'.

(3 marks)

Section Two: Source analysis**20% (20 Marks)**

This section has **two (2)** questions. You must answer **one (1)** question. Write your answers in the space provided.

Spare pages are included at the end of this booklet. They can be used for planning your responses and/or as additional space if required to continue an answer.

- Planning: If you use the spare pages for planning, indicate this clearly at the top of the page.
- Continuing an answer: If you need to use the space to continue an answer, indicate in the original answer space where the answer is continued, i.e. give the page number. Fill in the number of the question(s) that you are continuing to answer at the top of the page.

Suggested working time for this section is 35 minutes.

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Read **Source 1** and answer all parts of the question that follows.

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Unit 3: Mandates

The Parliamentary Library produced a research paper on mandates in 1999, following the debate sparked by the introduction of, and debate surrounding, the Goods and Services Tax. It says: "Mandate doctrine derives from the politics of responsible government on a democratic basis. It does not derive from constitutional, legal or parliamentary prescription. Moreover, a mandate is not a substitute for prescribed constitutional, legal or parliamentary procedures, though it may influence the workings of such procedures."

Mandates, therefore, are not enforceable legal concepts. They are political whacking sticks, used to advantage one political position over another.

"It is a doctrine which seeks to reinforce the legal basis on which election winners take the reins of government with a claim to legitimacy in so doing; the winners take office as agents of popular will as well as in their own right," the research paper says.

The fact that there are many 'competing' mandates claimed by many different sides of politics in the parliament complicates the matter and often leads to claims that 'our mandate, or my mandate is bigger than or better than yours'. These claims reflect the postulatory nature of mandates.

- (a) Explain what is meant by the phrase 'responsible government'. (2 marks)

- (b) With reference to the source, identify and explain **two (2)** reasons why mandates are theoretical in nature and not a formal part of the political system in Australia. (4 marks)

(c) Discuss the validity of **two (2)** competing mandates found in the Australian political system. (6 marks)

Read **Source 2** and answer all parts of the question that follows.

The High Court of Australia is given three jurisdictions in the constitution. These are Original Jurisdiction under Section 75, which includes matters in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party; Additional Original Jurisdiction under Section 76, that is matters involving the interpretation of the constitution, and Appellate Jurisdiction under Section 73.

The High Court is however given other jurisdictions under statute law. For example Section 354 of the Commonwealth Electoral Act establishes that the High Court shall be the Court of Disputed Returns for Commonwealth elections. Traditionally, Courts of Disputed Returns are bodies which are set up to hear disputes over election results or the processes used in an election. Under this section the High Court has the power to either to hear matters relating to disputed election results and processes put to it or to refer the matter, or part of the matter dealing with questions of fact, to the Federal Court of Australia. A single justice or judge presides over the court.

The Court of Disputed Returns has many powers including the power to:

- compel the attendance of witnesses and the production of documents
- examine witnesses on oath
- declare that any person who was returned as elected was not duly elected
- declare any candidate duly elected who was not returned as elected
- declare any election absolutely void

The power of the Court of Disputed Returns was recently brought to the attention of the public following the 2013 Federal Election in which the Australian Electoral Commission lost 1,370 ballot papers. Sitting as the Court of Disputed Returns, in the case of *The Australian Electoral Commission v Johnston* [2014] HCA 5 (18 February 2014), The High Court of Australia has declared the 2013 Senate election in Western Australia as void. This means there will be a new election in WA by May 2014.

Justice Hayne, who presided over the case, declared that “The only relief appropriate is for the election to be declared void...” The Court, after hearing multiple petitions on the 2013 Senate election, found that he agreed with the Australian Electoral Commission submission that the loss of 1370 ballot papers changed the election result.

Question 6

20 marks

- (a) With reference to the source explain what is meant by the 'Court of Disputed Returns'. (2 marks)

- (b) With reference to the source identify and explain **two** jurisdictions of the High Court other than that given under Section 354 of the Commonwealth Electoral Act. (4 marks)

Section Three: Essay**50% (50 Marks)**

This section has **four (4)** questions. Answer **TWO (2)** questions. Write your answers in the spaces provided following

Suggested working time for this section is 100 minutes.

Unit 3:**Question 7****(25 marks)**

With specific reference to Australia and **one non-Westminster country**, discuss the extent of the 'Separation of Powers'.

Question 8**(25 marks)**

"The financial powers of the Commonwealth, not the High Court, is the main reason behind the changing balance of power in our federation."

Evaluate the validity of this claim.

Question 9**(25 marks)**

"Contemporary Federal Parliaments are dominated by the Prime Minister, and we are seeing a decline in the proper functioning of parliament as a result."

Evaluate the validity of this claim

Question 10**(25 marks)**

"Individuals, political parties and pressure groups can only influence the lawmaking process in parliament and the courts to a limited extent."

Evaluate the validity of this claim.

End of questions

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